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IT IS SO ORDERED: 1 2 Honorable Susan Illston 3 **United States District Court** 4 **AGREED TO:** 5 Dated: October 29, 2009 6 7 8 By: /s/ J. Nelson Thomas By: /s/ John A. Mason J. Nelson Thomas (pro hac vice) Steven H. Gurnee 9 Patrick J. Solomon (pro hac vice) Nicholas P. Forestiere 10 Annette Gifford (pro hac vice) John A. Mason THOMAS & SOLOMON LLP GURNEE & DANIELS LLP 11 693 East Avenue 2240 Douglas Blvd, Suite 150 Roseville, CA 95648 Rochester, NY 14607 12 Telephone: 585-272-0540 Telephone: 916-797-3100 13 Facsimile: 585-272-0574 Facsimile: 916-797-3131 14 Robert M. Bodzin, State Bar No. 201327 Counsel for Defendant **BURNHAM BROWN** 15 P.O. Box 119 Oakland, CA 94604 16 Telephone: (510) 835-6833 Facsimile: (510) 835-6666 17 Charles H. Saul (pro hac vice) 18 Liberty J. Weyandt (pro hac vice 19 *pending*) Kyle T. McGee (pro hac vice) 20 MARGOLIS EDELSTEIN 525 William Penn Place 21 **Suite 3300** 22 Pittsburgh, PA 15219 Telephone: 412-281-4256 23 Facsimile: 412-642-2380 24 Counsel for Plaintiffs 25 26

[PROPOSED] ORDER CONTINUING HEARING ON RULE 23 CERTIFICATION MOTION

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